

Message Text

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ORIGIN EB-08

INFO OCT-01 EA-07 ISO-00 FAA-00 DOTE-00 L-03 CAB-02
CIAE-00 COME-00 DODE-00 INR-07 NSAE-00 IO-13 SS-15
NSC-05 TRSE-00 /061 R

DRAFTED BY EB/OA/AVP:SCKEITER:PMA
APPROVED BY EB/OA/AVP:AJWHITE
FAA/AIA:RTOENNIESSEN (SUBS)
DOT/OST:LERICSON
DOT/OST/TGC:PLARSEN (INFO)
L/EB:PMICKEY (INFO)

-----160551Z 046802 /20

R 152108Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY SEOUL

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E.O. 11652: N/A

TAGS: EAIR, KS

SUBJECT: CIVAIR - KOREAN AIR NAVIGATION FACILITIES
CHARGE

REF: SEOUL 1857 AND PREVIOUS

1. DEPT HAS NEVER USED LAST PARA. OF ARTICLE 15 OF
CHICAGO CONVENTION TO CHALLENGE AN ICAO MEMBER'S USER
CHARGES SINCE WE BELIEVE USE OF ICAO FORUM FOR THIS
PURPOSE WOULD BE COUNTER PRODUCTIVE. TO BEST OUR
KNOWLEDGE NO OTHER COUNTRY HAS USED THAT PARA. EITHER.
WE HAVE PREFERRED TO TACKLE SUCH PROBLEMS ON BILATERAL
BASIS. 76 STATE 13572 (PARTICULARLY PARA. 3FF) AND 76
STATE 134384 ARE BEING REPEATED FOR YOUR BACKGROUND
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INFORMATION.

2. IN KOREAN CASE PROPOSED CHARGES ARE NOT OBVIOUSLY
UNREASONABLE, NOR HAS THERE BEEN A CONTENTION THAT THEY
ARE GREATER THAN THE COST OF THE SERVICES RENDERED.
WHILE THE KOREANS APPARENTLY INTEND TO USE THE PROCEEDS
FOR NEW EQUIPMENT, THE CHARGES MAY WELL REPRESENT

RECOVERY OF THE COST OF PRESENT SERVICES. THE USG
PREFERS TO FINANCE SUCH COSTS IN OTHER WAYS, BUT HAS NO
BASIS FOR INSISTING THAT GOK DO THE SAME.

3. USG IS CONCERNED ABOUT ESCALATING CHARGES, HOWEVER,
AND INTERNATIONAL AIR TRANSPORTATION FAIR COMPETITIVE
PRACTICES ACT OF 1974 REQUIRES DOT TO MONITOR CHARGES
AROUND THE WORLD, WITH THE POSSIBILITY OF COMPENSATORY
CHARGES IF IT FINDS THAT FOREIGN CHARGES UNREASONABLY
EXCEED THOSE IN U.S. OR ARE OTHERWISE DISCRIMINATORY,
AND NEGOTIATION IS UNSUCCESSFUL. DEPT. THEREFORE
REQUESTS THAT EMBASSY MAKE USG CONCERN KNOWN TO KOREAN
AUTHORITIES AND ASK FOR COST INFORMATION WHICH WILL
ALLOW WASHINGTON AGENCIES TO DETERMINE WHETHER PROPOSED
CHARGES ARE PROPERLY RELATED TO COSTS.
VANCE

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Control Number: n/a
Copy: SINGLE
Sent Date: 15-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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From: STATE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1977/newtext/t19770357/aaaabyjf.tel
Line Count: 78
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Litigation Codes:
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Previous Handling Restrictions: n/a
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TAGS: EAIR, KS
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